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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,899	01/27/2000	William R. Wells	25814-402200	9213

27717 7590 08/20/2009
SEYFARTH SHAW LLP
131 S. DEARBORN ST., SUITE 2400
CHICAGO, IL 60603-5803

EXAMINER

TRUONG, CAM Y T

ART UNIT	PAPER NUMBER
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MAIL DATE	DELIVERY MODE
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08/20/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WILLIAM R. WELLS, RICHARD WILDER,
HAROLD E. MATTICE, and CHAUNCEY W. GRISWOLD

Appeal 2009-003984
Application 09/491,899
Technology Center 2100

Mailed: August 20, 2009

Before DALE M. SHAW, *Chief Appeals Administrator*

ORDER REMANDING TO THE EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on December 12, 2008. A Docketing Notice assigning Appeal No. 2009-003984 was mailed on February 6, 2009. A review of the application revealed that it is not ready for an appeal. Accordingly, the application is herewith being remanded to the Examiner to address the following matter(s):

AMENDMENT FILED AFTER APPEAL

On August 12, 2009 Appellants filed an Amendment under 37 C.F.R. § 41.33(b)(1), cancelling claims 1-3, 5, 6, 27, and 29. It is noted for the record, that the August 12, 2009 amendment is a complete version of an amendment which was incompletely filed on April 21, 2009.

Section 1206 of the *Manual of Patent Examining Procedure* (MPEP) states:

(b) Amendments filed on or after the date of filing a brief pursuant to § 41.37 may be admitted:

(1) To cancel claims, where such cancellation does not affect the scope of any other pending claim in the proceeding

Accordingly, it is ORDERED that the application is remanded to the Examiner:

- 1) to appropriately respond to the Amendment using form PTOL-304, *Advisory Action After the Filing of an Appeal Brief*;
- 2) upon filing of the Advisory Action, to return the application to the Board for the consideration of the remaining claims on appeal; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

msc

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